

**Louisville - Southern Indiana Ohio River Bridges Project**  
**Progress Report Number 5**  
**July 1, 2005 – December 31, 2005**  
**Implementation of the Section 106 Memorandum of Agreement**

The Section 106 Memorandum of Agreement (MOA)<sup>1</sup> for the Louisville – Southern Indiana Ohio River Bridges Project (Project) was executed on April 1, 2003. Attachment A provides a list of the signatories to the MOA and concurring parties. Included in the MOA was a stipulation providing for the preparation of a Progress Report (Stipulation IX). The following is the Fifth Progress Report for the July 1, 2005 through December 31, 2005 reporting period (Reporting Period).

There was continued activity on implementation of mitigation measures during the Reporting Period. The Indiana Department of Transportation (INDOT) and Kentucky Transportation Cabinet (KYTC) continued their work to finalize the scopes of work and contracts for the Section Design Consultants (SDCs). This will be discussed in more detail in Part I of this report.

Activity during the Reporting Period on implementation of mitigation measures in the MOA included preparing and convening meetings of the Indiana and Kentucky Historic Preservation Advisory Teams, final development and approval of the Immediate Needs Reports (INR) for Butchertown and Phoenix Hill, beginning the Historic Preservation Plan (HPP) process for the Country Estates of River Road/River Road Corridor (CE RR/RRC), continuing the development and scheduling of the Smart Growth Conference and undertaking various archaeological investigations. All activities will be described in more detail in a later section of the report.

## **PART I – OVERALL PROJECT STATUS**

INDOT and KYTC executed the prime contract for Community Transportation Solutions – General Engineering Consultant (CTS-GEC) on April 20, 2005. INDOT and KYTC continued work on defining the services of design consultants for the six (6) sections (see Exhibit 1) during the Reporting Period to develop right of way and construction plans. A description of each section and the progress of each Section Design Consultant (SDC) are provided in the following summary.

**Section 1**      Kentucky Downtown Approach (including Kennedy Interchange) – Ongoing coordination with many agencies and organizations continued through this Reporting Period. Two status meetings with the Mayor’s office were held to discuss the Waterfront Park and Mellwood –Story Studies. Two reports were submitted during this Reporting Period, the Critical Structure Report (Submitted October 2005) and the Urban Design Guidelines (Submitted December 2005). Draft reports of the Mellwood-Story Avenue Connector Study and the Waterfront Park Impact Reduction Study were also both submitted during this Reporting Period. Coordination continued with Chan-Krieger and the Downtown

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<sup>1</sup> A copy of the Section 106 MOA can be obtained from the Project Website by selecting the History link beneath the Project tab and downloading the Record of Decision (ROD). A direct link to the page is provided, below.

– [www.kyinbridges.com/Project.aspx?cGuid=ab53eaf-1ad1-4294-bf10-c9523999b7c5](http://www.kyinbridges.com/Project.aspx?cGuid=ab53eaf-1ad1-4294-bf10-c9523999b7c5)

Development Corporation regarding the East Downtown Access Planning Study.

**Section 2** Downtown Bridge (using Alternative C-1) – The design team has completed Step 1 (Design Guidelines and Parameters) and Step 2 (Conceptual Bridge Types) in the Bridge Type Selection process. The guidelines and the parameters will be used throughout the Bridge Type Selection process for evaluation purposes. Thirty-one bridge concepts were presented in Step 2 to the AAT/RAC and to the public during two public meetings. Electronic polling obtained input concerning bridge elements used in the different bridge concepts. The team used the AAT/RAC and public input to select 12 bridge alternate concepts for evaluation in Step 3, which is the development of the Bridge Type Alternatives. A Riverboat tour of the existing Kennedy Bridge and the new proposed bridge location from the Ohio River for the AAT/RAC was sponsored jointly with SDC 5 on October 6, 2005.

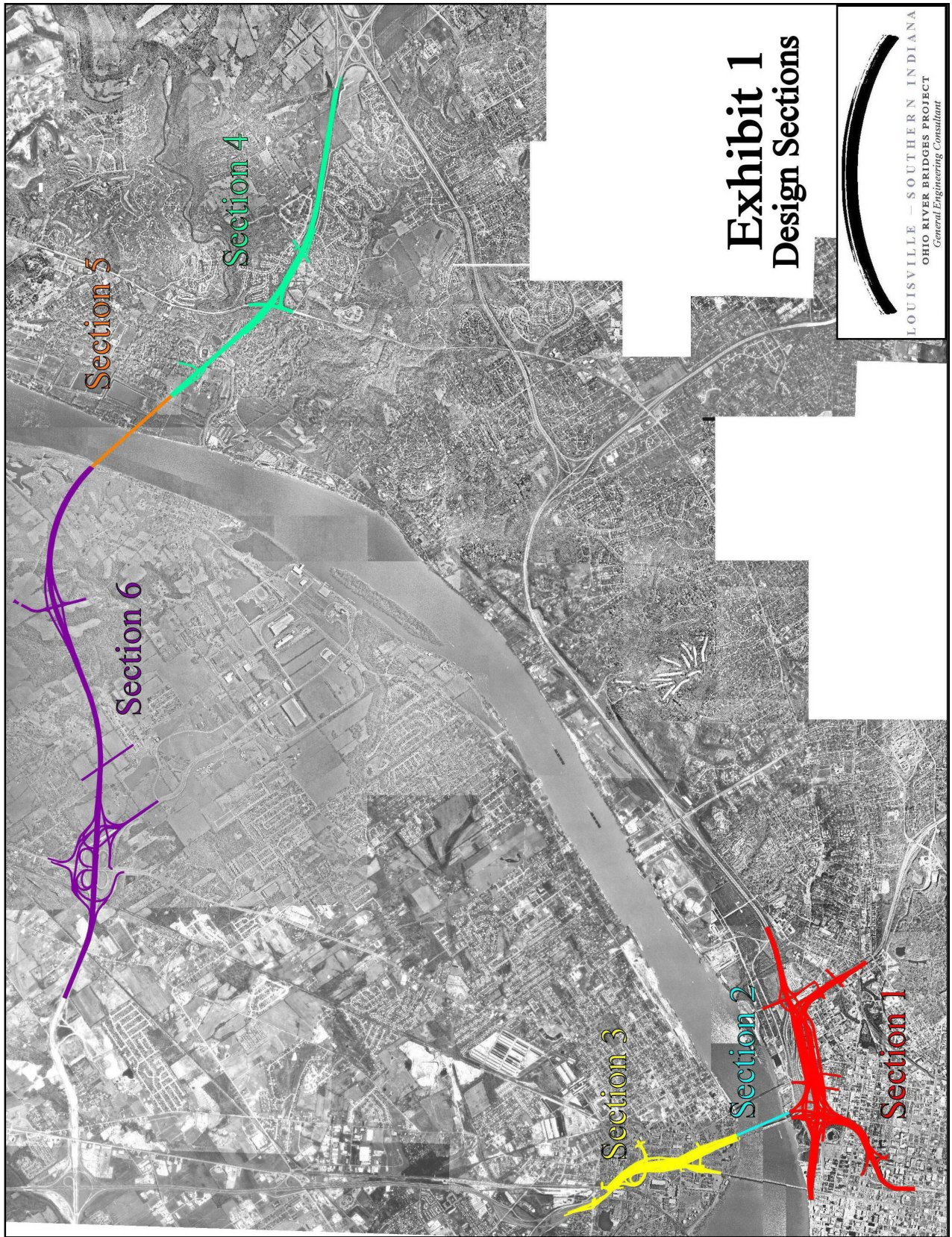
**Section 3** Indiana Downtown Approach – Efforts during the Reporting Period entailed the submittal of the design proposal for contract negotiation by INDOT and the commencement of the topographic survey for the Project. No direct environmental or mitigation efforts took place during this Reporting Period.

**Section 4** Kentucky East End Approach – During the Reporting Period, a draft noise barrier analysis showed the need for noise barriers at several residential locations; the analyses for historic structures are continuing. This draft noise analysis was submitted by H.W. Lochner (Lochner) to CTS-GEC; it has not yet been finalized for submittal to the BSMT. Additional refinements would be forthcoming. Lochner began development of the Preliminary Plans and the Draft Design Guidelines during the Reporting Period.

**Section 5** East End Bridge (using Alternative A-15) – The design team has completed Step 1 (Design Guidelines and Parameters) and Step 2 (Conceptual Bridge Types) in the Bridge Type Selection process. The guidelines and the parameters will be used throughout the Bridge Type Selection process for evaluation purposes. Fourteen bridge concepts were presented in Step 2 to the AAT/RAC at one meeting and to the public during two public meetings. Electronic polling obtained input concerning bridge elements used in the different concepts. The team used the AAT/RAC and public input to select the number of bridge types for additional evaluation in Step 3, which is the development of the Bridge Type Alternatives. A Riverboat tour of the proposed East End Bridge location from the Ohio River for the AAT/RAC was sponsored jointly with SDC 2 on October 6, 2005.

**Section 6** Indiana East End Approach – Efforts entailed the submittal of the design proposal for contract negotiation by INDOT. No direct environmental or mitigation efforts took place during the Reporting Period.





In early July 2005, Mr. John Sacksteder was accepted by the Bi-State Management Team (BSMT) to replace Mr. Richard Cary-Brown as Acting Project Manager for CTS-GEC. Mr. Sacksteder was elevated to Project Manager with the approval of the BSMT in September 2005. CTS-GEC, under the management of Mr. Sacksteder worked during this Reporting Period with the BSMT, which consists of representatives from INDOT, KYTC and FHWA, in the development of a Project Management Plan, project schedule and oversight requirements of the six SDCs to be placed under contract by either INDOT or KYTC. Work also continued on the planning for implementation of mitigation commitments.

## **PART II – IMPLEMENTATION OF MITIGATION MEASURES CONTAINED IN THE MOA**

Measures to mitigate adverse effects of the Project on historic properties are described in the MOA along with a number of activities to guide the development of project plans and provide for coordination of those activities through an advisory team for the Indiana portion of the project and one for the Kentucky portion of the project.

The MOA is divided into the following fourteen (14) stipulations:

- I. Project Coordination
- II. Project Development
- III. Site Specific Mitigation
- IV. Archaeological Resources
- V. Unanticipated Discoveries
- VI. Additional Historic Properties and Effects
- VII. Excess Right of Way
- VIII. Performance Standards
- IX. Progress Reports
- X. Project Modification
- XI. Amendment
- XII. Failure to Comply/Termination
- XIII. Dispute Resolution
- XIV. Duration

An expanded version of this listing is included as Attachment B, to serve as an outline in the preparation of Progress Reports. Activities during the Reporting Period are described in the following information.

### **STIPULATION I: Project Coordination**

**Stipulations I.A.1, I.A.4, I.A.5, and I.A.8** were implemented during the First Reporting Period. During the Reporting Period, Mr. John Carr (representing the IN-SHPO) and Mrs. Mary Kennedy (representing INDOT) continued as Co-chairs of the IHPAT and Mr. David Morgan and Ms. Janie-Rice Brother (representing the KY-SHPO) continued as Co-chairs of the KHPAT. In September 2005, Mr. Bart Bryant, Acting Project Manager for KYTC, replaced Mr. William Gulick, who retired from KYTC. In December 2005, Dr. Rick Jones was appointed as an alternate Co-chair for Mr. Carr of the IN-SHPO to the IHPAT.



**Stipulation I.A.2** provides for the Advisory Teams to assist the Bi-State Historic Consultation Team (BSHCT) and the BSMT in developing Project design details to implement the measures stipulated in the MOA. Work continued during the Reporting Period on this stipulation.

**Stipulation I.A.3** provides for the Co-chairs to convene meetings of the HPATs, prepare summaries of said meetings and prepare and submit HPAT recommendations to the BSHCT for further action. IHPAT meetings were held on July 20, 2005 and December 7, 2005. KHPAT meetings were convened on July 21, 2005, September 22, 2005, October 25, 2005 and December 8, 2005. Summaries of each meeting were returned to HPAT members within a reasonable time following each meeting.

**Stipulation I.A.6** describes the discretionary authority of the Co-chairs to invite additional parties to participate on the Advisory Teams. No additional requests for membership were received by the IHPAT or KHPAT during the Reporting Period.

**Stipulation I.A.7** provides for the Advisory Council on Historic Preservation (ACHP) to participate as it sees fit on an ad-hoc basis.

**Stipulation I.A.9** provides for the convening of additional meetings of the HPATs by the Co-chairs to review plans, comment, and make specific recommendations regarding Project design scopes of work and details for consideration by the BSHCT. Stipulations I.A.9.a and I.A.9.b describe meetings prior to development of scopes of work and prior to the selection of contractors for the HPPs and Treatment Plans under Stipulation III. These stipulations were satisfied at the HPAT meetings held during the Second Reporting Period. Once the scope of work for the Treatment Plans are developed for the properties identified in the MOA, the respective HPATs will be advised accordingly per this stipulation. During the Reporting Period, H.W. Lochner (SDC 4) was introduced at the KHPAT meeting of December 8, 2005 as the contractor to prepare the Treatment Plan for Rosewell. A preliminary scope of work was prepared and forwarded to CTS-GEC on December 23, 2005; it will be presented at a future KHPAT meeting. As the project advances and contractors are selected to prepare the respective Treatment Plans, additional coordination with the appropriate HPATs will occur. Stipulation I.A.9.c requires meetings prior to the development of the scope of work for the design consultants' respective sections of the Project. This stipulation has been satisfied. Section 1 (KTA), Section 3 (BFS), Section 4 (HWL) and Section 6 (IAP) presented an overview of the scope of work for their respective sections. During the Reporting Period, Section 2 (Baker) and Section 5 (PB) presented an overview of their scope of work to the IHPAT on July 20, 2005 and to the KHPAT on July 21, 2005.

**Stipulation I.A.10** provides for the distribution of materials needed for review by the advisory teams and comments following scheduled meetings. Materials for the meetings held during the Reporting Period were generally limited to information on the preparation of INRs/HPPs, SDCs scope of work, and the Preliminary Line and Grade (PL&G) plans for Section 1. Presentations and requests for input during the meetings were supplemented by a comment period following the meetings to obtain input into the HPP preparation process.

**Stipulation I.A.11** provides for the development of recommendations by the Co-chairs based on comments provided by the advisory team, for consideration and action by the BSHCT.

**Stipulation I.B.** provides for a BSHCT consisting of representatives of FHWA, INDOT, KYTC and the respective SHPOs. The following were identified as representatives on the BSHCT at the close of the Reporting Period:

FHWA	George Jones
INDOT	Mary Kennedy
KYTC	Bart Bryant
SHPO	John Carr and Dr. Rick Jones – Indiana SHPO David Morgan and Janie-Rice Brother – Kentucky SHPO

The BSHCT held three meetings during the Reporting Period on August 23, 2005, October 18, 2005 and November 16, 2005.

**Stipulation I.C.** provides for a BSMT consisting of representatives of INDOT, KYTC and FHWA. The following were identified as representatives on the BSMT:

INDOT	Paul Boone
KYTC	Bart Bryant
FHWA	George Jones

In September 2005, Mr. Bryant was named Acting Project Manager for KYTC, replacing Mr. Gulick, who retired from KYTC. Additionally, in September 2005, Mr. Paul Boone assumed the position of Acting Project Manager for INDOT, replacing Mr. Ed Cox, who resigned as Project Manager, to accept another position within INDOT.

Weekly meetings of the BSMT generally occurred on the Monday of each week and items related to this MOA were brought forth as needed.

**Stipulation I. D.** provides for an Ombudsman for the Indiana portion of the Project and one for the Kentucky portion of the Project. During the Reporting Period, a list of potential candidates for the Indiana Ombudsman position were assembled and provided to the Executive Office of INDOT for selection. Mr. Lee Walker, who was selected by KYTC as the Kentucky Ombudsman, began work on November 1, 2004. During the Reporting Period, Mr. Walker continued to serve in this capacity.

## **STIPULATION II: Project Development**

Work initiated on implementation of mitigation measures identified in Section II of the MOA during the Reporting Period was limited to Stipulations II.A. II.B., II.C., II.E., II.F., II.I. and II.O. The major effort on measures identified in this section is expected to occur once all six SDCs are under contract and work is underway.

**Stipulation II.A.** describes the design goal of the Project, which was used in the preparation of the Project Management Plan, to guide the development of project details.

**Stipulation II.B.** provides that the views of the public are important and will be solicited and considered at a minimum through each state's normal transportation project development process through informal meetings to be convened by the respective State Transportation Agencies

(STA). During the Reporting Period, Area Advisory Team (AAT) and Regional Advisory Committee (RAC) meetings were organized, as well as Open Houses. The AAT meetings were convened for Section 1 on September 8, 2005 and October 25, 2005; Section 2 on August 9, 2005 and November 3, 2005 (joint meetings with the RAC); Section 4 on July 21, 2005 and September 1, 2005 and Section 5 on September 15, 2005 and November 17, 2005 (joint meetings with the RAC). Open Houses were held for Section 1 on October 27, 2005; Section 2 on September 20 and 22, 2005 and November 29 and December 1, 2005 and Section 5 on December 13 and 15, 2005.

**Stipulation II.C.** provides that the roadways, bridges and other Project elements shall be designed and constructed with sensitivity to aesthetic values, historic cultural landscapes, and the historic context, utilizing services of professionals with experience in areas related to historic preservation. During the Reporting Period, these activities continued.

**Stipulation II.E.** describes activities to minimize adverse effects of noise on historic properties in accordance with state and federal noise regulations, policies and guidance. During the Reporting Period, a Draft Noise Report was prepared by SDC 1 and submitted through CTS-GEC to the BSMT for approval on August 1, 2005. This report evaluated seven locations for the construction of noise walls, five of which met the criteria for potential noise wall locations. These five locations were added by SDC 1 to the PL&G plans and presented to the KHPAT at a meeting on October 25, 2005. Potentially reasonable and feasible noise barrier locations would be defined by the BSMT after further review and evaluation.

In the Kentucky East End, additional traffic projections were needed to complete the noise barrier analysis. This information was requested and received by SDC 4 on November 9, 2005 after which the barrier analyses began. A Draft Noise Report was prepared by SDC 4 and submitted to CTS-GEC on December 22, 2005. Following review and revision, this report would be forwarded to the BSMT for approval after January 1, 2006.

**Stipulation II.F.** describes the actions for preparation of HPPs. The seven historic properties for which HPPs are to be developed were identified in Stipulation II.F.2 (a through g). Stipulation II.F.1.a provides for development of scopes of work for the HPPs in consultation with the HPATs. This stipulation was fulfilled during the Second Reporting Period. During this Reporting Period work was initiated on the HPPs on the Kentucky properties with respect to all the provisions of Stipulation II.F; work has not progressed on the Indiana properties, other than coordination with the property owner of the James Smith Rural Historic Farmstead, as the scopes of work and contracts with SDC 3 and 6 have not yet been finalized. The preliminary Final INR for Butchertown and Phoenix Hill were prepared and presented to the KHPAT members for review and discussion at the scheduled KHPAT meeting of July 21, 2005. On August 5, 2005, the BSMT approved the INR and it became final on that day. KHPAT members were supplied copies of the Final INR on August 16, 2005. Additionally, coordination meetings were held with Butchertown (November 1, 2005), Phoenix Hill (November 9, 2005) and Tasman Industries (November 1, 2005) to provide an update of the status of the HPP. Members were given an opportunity to ask questions about the status and timeline for future meetings and development of the document.

In regard to the CE RR/RRC, a multi-day planning charrette was held on November 2 – 5, 2005. The purpose of the charrette was to directly involve the property owners/stakeholders identified

in the MOA for the CE RR/RRC in an interactive process to help produce the INR/HPP. To engage the attendees, a multi-disciplinary group of professional planners, historic preservationists, anthropologists, engineers and landscape architects from CTS-GEC and SDC 4 were assembled on these dates. Stakeholders were invited to work with these specialists to help develop recommendations to be used in developing the HPP for the CE RR/RRC. Interviews and studio work sessions included current and historic maps, photographs, drawings and exhibits to encourage a hands-on approach to understanding stakeholder's areas of concern and recommendations. The KHPAT was given a summary of this process at the December 8, 2005 meeting. To conclude this process, a public meeting and charrette summary will be scheduled in January 2006.

Coordination with Dr. Blanche Woolls, owner of the James Smith Rural Historic Farmstead, was undertaken on October 17, 2005. According to Dr. Woolls, the incentives in donating the property were unclear since offers in the amount of two million dollars had been made on the 126-acre parcel. It was conveyed to Dr. Woolls that INDOT was pursuing the donation of only that portion of the parcel determined eligible for the National Register of Historic Places (NRHP), or approximately 9 acres. Dr. Woolls expressed an interest in preserving the area surrounding the farmhouse, cemetery, outbuildings and drive as green space. After explaining the legal implications of the MOA and that INDOT is obligated (if donated) to preserve that portion of the property she desires to retain as green space, Dr. Woolls appeared more in favor of donation. Dr. Woolls requested additional information to assist in her understanding of the Project and the work elements proposed for the property. The information was prepared and sent to Dr. Woolls on November 4, 2005. Upon receipt of this information, Dr. Woolls is to discuss the details with her brother, a property co-owner, and return a response to CTS-GEC. This response of Dr. Woolls is pending.

**Stipulation II.I.** mandates that for specific properties identified in Stipulation III, documentation required for a NRHP nomination shall be prepared by a qualified historic preservation consultant selected by INDOT or KYTC, upon receipt of written consent from the property owner(s) and within the first three years following the Record of Decision. Six properties were identified in the MOA requiring the preparation of a nomination form, all located in Indiana. The preparation of these NRHP nomination forms has been added as an element in the scope of work for SDC 3 and SDC 6. As the anticipated contract date for SDC 3 and SDC 6 is April 2006, and the deadline for completion of the NRHP forms is September 6, 2006, the Environmental Commitments and Enhancement Team of CTS-GEC voiced concern over the timely completion of this task.

**Stipulation II.O.** describes the process for the planning to schedule a Smart Growth Conference within three years of execution of the MOA. During the Reporting Period, Smart Growth Organizational Committee meetings were held on July 12, 2005, August 19, 2005, September 16, 2005, October 21, 2005, November 18, 2005 and December 9, 2005; an additional Organizational Committee meeting was held on October 7, 2005 with the Smart Growth Extended Committee. Three committees were formed to oversee the preparations for the Conference: Location and Schedule, Topics and Speakers, and Recreation and Tours. Individuals have been assigned to each committee for the duration of the Conference planning. The title of the Conference is Bridging Boundaries: Building Great Communities, which is scheduled for September 18 – 20, 2006 at the Louisville Downtown Marriott Hotel. During the week of November 28, 2005, letters were mailed to individuals asking for their participation as



Conference speakers. Upon receipt of the responses in January 2006, decisions would be made and approved by the BSMT as to those speakers to invite. A Conference logo was developed and approved by the BSMT on December 12, 2005. Graphical representations of the logo on items such as letterhead, envelopes, business cards and other Conference materials is underway for further discussion. Continuing activities include the development of a Conference agenda, financial plan/budget, schedule of activities to complete to advance to the Conference, recreational opportunities as part of the Conference and mailing list.

### **STIPULATION III: Site Specific Mitigation**

Work continued on the implementation of mitigation measures identified in Section III of the MOA during the Reporting Period and was generally limited to evaluations of work that would need to be addressed in the HPPs, specifically Stipulations III.A.2, III.I.9, III.K.1, 2, 3, 11, 12 and 14, III.L.1, 2, 7 and 8, III.M.1, III.N.1 and 2 and III.P.1 and 2. The major effort on measures identified in this section is expected to occur once all six SDCs are under contract and have work underway.

**Stipulation III.A.2** provides for mitigation of project impacts on the Train Depot. During the Reporting Period, the INDOT acquired the property in accordance with Stipulation III.A.2. Rehabilitation efforts are expected to commence, in coordination with the IN-SHPO, so the property can function as the office of the Indiana Ombudsman and the INDOT Project Manager.

**Stipulation III.I.9** provides for the donation and preservation of the James Smith Farm as a rural historic farmstead. As previously stated in Stipulation II.F., efforts have been made to contact the property owner to donate the property.

**Stipulation III.K.1** provides for the preparation of an HPP for the Butchertown Historic District. As indicated, the preliminary Final INR for Butchertown was prepared and presented to the KHPAT members for review and discussion at the scheduled KHPAT meeting of July 21, 2005. On August 5, 2005, the BSMT approved the INR and it became final on that day. Additionally, coordination meetings were held with Butchertown and Tasman Industries on November 1, 2005 to provide an update of the status of the HPP. Members were given an opportunity to ask questions about the status and timeline for future meetings and development of the document.

**Stipulation III.K.2** details the development of the Witherspoon Extension as part of the HPP. Recommendations on the Extension were included as an element of the INR for Butchertown. In addition, preliminary recommendations were included in the PL& G plans prepared by SDC 1 and presented to the KHPAT on October 25, 2005.

**Stipulation III.K.3** details the development of embankments or other designs that support aesthetically pleasing noise abatement measures, lighting and landscaping as part of the HPP. Recommendations on these elements were included as an element of the INR for Butchertown. In addition, preliminary recommendations were included in the PL& G plans prepared by SDC 1 and presented to the KHPAT on October 25, 2005.

**Stipulation III.K.11** provides for a study of Mellwood Avenue – Story Avenue to evaluate the elimination of this proposed connector and restoration of two-way traffic flow on Mellwood Avenue and Story Avenue. Recommendations on this connector were included as an element of

the INR for Butchertown. In addition, preliminary recommendations were included in the PL& G plans prepared by SDC 1 and presented to the KHPAT on October 25, 2005. Following this meeting, personnel from CTS-GEC and SDC 1 met with neighborhood representatives of Clifton on November 14, 2005 to discuss the conceptual interchange design. At the December 8, 2005 KHPAT meeting, the motion was carried asking the Project team to complete further investigations on the Study.

**Stipulation III.K.12** details the development of the streetscape improvements within the historic district as part of the HPP. Recommendations on streetscape improvements were included as an element of the INR for Butchertown. In addition, preliminary recommendations were included in the PL& G plans prepared by SDC 1 and presented to the KHPAT on October 25, 2005.

**Stipulation III.K.14** details the development of roadway lighting within the viewshed of the historic district as part of the HPP. Recommendations on roadway lighting were included as an element of the INR for Butchertown. In addition, preliminary recommendations were included in the PL& G plans prepared by SDC 1 and presented to the KHPAT on October 25, 2005.

**Stipulation III.L.1** provides for the preparation of an HPP for the Phoenix Hill Historic District. As indicated, the preliminary Final INR for Phoenix Hill was prepared and presented to the KHPAT members for review and discussion at the scheduled KHPAT meeting of July 21, 2005. On August 5, 2005, the BSMT approved the INR and it became final on that day. Additionally, a coordination meeting was held with Phoenix Hill on November 9, 2005 to provide an update of the status of the HPP. Members were given an opportunity to ask questions about the status and timeline for future meetings and development of the document.

**Stipulation III.L.2** details the development of roadway lighting. Recommendations on roadway lighting were included as an element of the INR for Phoenix Hill. In addition, preliminary recommendations were included in the PL& G plans prepared by SDC 1 and presented to the KHPAT on October 25, 2005.

**Stipulation III.L.7** details the development of placement of interpretative signage within the historic district as part of the HPP. Recommendations on interpretative signage were included as an element of the INR for Phoenix Hill. In addition, preliminary recommendations were included in the PL& G plans prepared by SDC 1 and presented to the KHPAT on October 25, 2005.

**Stipulation III.L.8** details the development of the streetscape improvements at specific locations within the historic district as part of the HPP. Recommendations on streetscape improvements at the specific locations defined in the MOA were included as an element of the INR for Phoenix Hill. In addition, preliminary recommendations were included in the PL& G plans prepared by SDC 1 and presented to the KHPAT on October 25, 2005.

**Stipulation III.M.1** provides for the preparation of an HPP for the CE RR/RRC. A multi-day planning charrette was held on November 2 – 5, 2005. The purpose of the charrette was to directly involve the property owners/stakeholders identified in the MOA for the CE RR/RRC in an interactive process to help produce the INR/HPP. To engage the attendees, a multi-disciplinary group of professional planners, historic preservationists, anthropologists, engineers and landscape architects from CTS-GEC and SDC 4 were assembled on these dates. Stakeholders were invited to work with these specialists to help develop recommendations to be

used in developing the HPP for the CE RR/RRC. Interviews and studio work sessions included current and historic maps, photographs, drawings and exhibits to encourage a hands-on approach to understanding stakeholder's areas of concern and recommendations. To conclude this process, a public meeting and charrette summary will be scheduled in January 2006. The KHPAT was given a summary of this process at the December 8, 2005 meeting.

**Stipulation III.N.1** provides that the Project across this property would be contained within a tunnel to minimize adverse effects. SDC 4 submitted the Exploratory Tunnel Objectives Memorandum on November 10, 2005. The geotechnical drilling on Drumanard started on December 1, 2005; Phase II and III geotechnical borings are ongoing. A draft schedule for the preliminary geotechnical reports was prepared and submitted to CTS-GEC on December 19, 2005. As part of the exploratory tunnel, the KY 841 exit ramp at US 42 would be relocated to a new location adjacent to the entrance ramp. US 42 would be widened to allow for dual left turns onto KY 841, and the intersection would be signalized.

**Stipulation III.N.2** provides that FHWA shall make every effort to acquire or otherwise establish an historic preservation easement for the entire Drumanard historic property. SDC 4 will develop plans for the Drumanard property that show the needed permanent and preservation/conservation easements as required.

**Stipulation III.P.1** provides for the preparation of a Treatment Plan for Rosewell to minimize damage to the historic property. On October 25, 2005, SDC 4 was approved by the BSMT to prepare the Treatment Plan for Rosewell; this selection was subsequently presented to the KHPAT at the meeting of December 8, 2005. SDC 4 prepared and submitted a scope of work for the Rosewell Property Management and Treatment Plan to CTS-GEC on December 23, 2005. This scope of work would be presented and discussed at a future KHPAT meeting.

**Stipulation III.P.2** provides that the KYTC will make a reasonable effort to acquire the Rosewell property. On November 30, 2005, the KYTC acquired the property. The present owners are to vacate the property by March 31, 2006 after which KYTC will assume maintenance responsibilities.

#### **STIPULATION IV: Archaeological Resources**

The final identification, evaluation and determination of Project effects for archaeological resources were phased because alternatives consisted of large corridors where access was restricted during the Environmental Impact Statement (EIS) phase.

*Human Remains:* Due to the potential for encountering human remains, a coordination meeting was held with KYTC, CTS-GEC and the Deputy Coroner of the city of Louisville on August 5, 2005. The purpose of the meeting was to let them know that we might encounter remains during work on the project and to get their input on a policy on how to treat human skeletal remains, if they were found as part of any of the archaeological investigations. Ms. Wayna Roach, Project Archaeologist for KYTC, prepared a draft policy on August 10, 2005. It was envisioned that one policy could be prepared to accommodate both the Indiana and Kentucky Project areas. Comments were received from the KY SHPO on August 15, 2005. INDOT returned comments on September 22, 2005, and the IN-SHPO returned comments on November 18, 2005. As a result of the comments received from the IN-SHPO and coordination with the FHWA in early

December 2005, it was determined by the Project Team that the IN-SHPO would address any discoveries of human remains on a case-by-case basis, in accordance with Indiana laws and regulations, and without the adoption of a formal policy.

*Native American Consultation (NAC):* On August 26, 2005, a coordination meeting was held with the FHWA, KYTC, and CTS-GEC to discuss Native American consultation in regard to the remainder of the archaeological explorations to be conducted for the project. It was decided at that meeting that NAC for the archaeology would be handled by KYTC in the same manner that NAC is currently being conducted for federally funded projects in the state. NAC coordination for the archaeology in Indiana has not yet been defined. On behalf of the FHWA, Ms. Roach sent the draft Human Remains Policy and the draft NAC process (to be utilized in the case of human remains are encountered in Kentucky) to the Native American tribes, which were identified during the EIS process, for review on November 8, 2005; 12 tribes were contacted. To date, six of the tribes have responded; two concurred with the policy as drafted, and four provided comments. A response and revised Human Remains Policy is being prepared.

*Archaeological GIS:* The proposal to develop an Archaeological GIS for the Kentucky sections of the Project is complete. A formal presentation by AMEC and KYTC will be made to the BSMT in January 2006. Approval of the scope of work is pending. Once initiated, property within the project area would be coded as High, Medium, or Low to indicate the probability of locating archaeological deposits based on historical research. Further investigations would be undertaken for areas denoted as High; Medium areas would be monitored during construction; Low areas would be submitted to the SHPO for clearance without additional archaeological investigations.

*Section 1 Archaeological Exploration:* Phase I archaeological investigations for the accelerated portion of I-65 near Jewish Hospital in Downtown Louisville were completed on November 30, 2005. The archaeological consultants monitored geotechnical borings and also performed a series of bucket augers and backhoe trenches to determine whether intact archaeological deposits were present. Intact features found during these investigations included a brick street, a brick building foundation, and a filled-in privy (outhouse). A management summary is under development, which will be taken to the KY-SHPO for review and concurrence, following its completion in early 2006. Additional investigations would likely be required to fully evaluate those deposits and features.

*Section 4 Archaeological Exploration:* Those properties not subjected to archaeological testing during the previous High Probability survey (Reynolds et. al. 2001) were investigated between December 12, 2005 and January 6, 2006. The work consisted of shovel probes in those areas that hadn't been tested before along with backhoe trenching along Transylvania Beach and in that portion of the project crossing the Louisville Water Company (LWC) property. In order to obtain access for the backhoe surveys, coordination meetings were held with four property owners on Transylvania Beach and also with Kay Ball of the LWC. A management summary has not yet been submitted; however, preliminary results documented two sites, one prehistoric and the other historic. The prehistoric site appears to be a south and eastward extension of the previously recorded Middle Woodland site (15 Jf 678). This portion of the site will likely be included in the recommended Phase II work following KY-SHPO review and concurrence. The historic site was noted, but not recorded, during the initial Phase I investigations due to access issues. The investigators have evidence indicating that African-

American families historically occupied the site. Oral tradition associated with the site also mentions a family cemetery, but the location is currently unknown. A management summary of the work described above would be prepared, followed by a complete report that will be submitted to the KY-SHPO for review and concurrence. Phase II work would likely be required at these aforementioned sites.

*Section 3 Archaeological Exploration:* In Indiana, the geophysical investigation of the western boundary of the potential cemetery in Colston Park occurred on September 6 – 7, 2005. The report findings recommended the mechanical excavation of two trenches due to the presence of several anomalies. On October 19 – 20, 2005, two trenches were opened and no evidence of graves or grave shafts was found. As such, the IN-SHPO recommended that a third trench be excavated, if nothing was found in the initial trenches. A third trench was opened and no evidence of graves or grave shafts was found and the fieldwork was concluded. The consulting archaeologist has advised that no further archaeological investigations be conducted and that a Cemetery Development Plan need not be prepared. The report detailing these three phases of archaeological work at the park is under preparation for submittal to CTS-GEC and the IN-SHPO. The findings of these investigations at Colston Park were presented to the IHPAT at the meeting of December 7, 2005.

CTS-GEC drafted a work plan for the Phase Ia archaeological survey of downtown Jeffersonville. Additionally, CTS-GEC is in the process of developing a work plan for Phase Ia reconnaissance level investigations in the Fort Street area of the Indiana Downtown approach. Archaeological investigations would also be undertaken of the existing grounds of the five structures to be relocated from the Old Jeffersonville Historic District and the proposed grounds prior to the moving of these structures onto them, as stipulated in the MOA.

*Section 6 Archaeological Exploration:* CTS-GEC received landowner permission for the Phase II investigation of Site 12CL516 in October 2005 pending the harvesting of the crop on the site. On December 5, 2005, the site was mechanically stripped to the plow zone. No evidence of archaeological deposits was found. No further archaeological investigations were warranted. The report detailing these three phases of archaeological work at the park is under preparation for submittal to CTS-GEC and the IN SHPO.

CTS-GEC is in the process of obtaining landowner permission to access Sites 12C1525 and 12C1527. At the request of the attorney representing the property owner of Sites 12C1525 and 12C1527, a letter was written on October 27, 2005 requesting access to their property to complete the required surveys. No response was received. Therefore, the INDOT Legal Division was consulted for assistance on December 12, 2005. Access to the sites is pending.

#### **STIPULATION V: Unanticipated Discoveries**

No previously unidentified property was discovered during the Reporting Period nor was a previously identified historic property affected in an unanticipated manner.



#### **STIPULATION VI: Additional Historic Properties and Effects**

Work on the development of plan details was not initiated during the Reporting Period; therefore no sites for staging, wetland mitigation, borrow or waste, dredge disposal, or other construction activities were identified during the Reporting Period.

#### **STIPULATION VII: Excess Right of Way**

Work on development of plan details and identification of the right of way required for construction and operation of the Project was not completed during the Reporting Period; therefore no excess right of way was identified during the Reporting Period.

#### **STIPULATION VIII: Performance Standards**

Individuals are being selected for work required in implementing this MOA who meet the Secretary of the Interior's Professional Qualification Standards. Work will be completed in accordance with appropriate federal and state standards and guidelines.

#### **STIPULATION IX: Progress Reports**

Progress Report Number 5 for the Reporting Period of July 1, 2005 through December 31, 2005 is provided in accordance with Stipulation IX. Prior to this Progress Report, the following Progress Reports have been provided:

Report No. 1 for April 1, 2003 – December 31, 2003 was sent on July 21, 2004  
Report No. 2 for January 1, 2004 – June 30, 2004 was sent on September 20, 2004  
Report No. 3 for July 1, 2004 – December 31, 2004 was sent on April 22, 2005  
Report No. 4 for January 1, 2005 – June 30, 2005 was sent on October 10, 2005

#### **STIPULATION X: Project Modification**

No actions occurred during the Reporting Period causing the need for a modification of the MOA.

#### **STIPULATION XI: Amendment**

No signatory to the MOA requested an amendment during the Reporting Period.

#### **STIPULATION XII: Failure to Comply/Termination**

No signatories to the MOA identified any concerns during the Reporting Period that the terms of the MOA cannot be or are not being carried out.

#### **STIPULATION XIII: Dispute Resolution**

No written objection from any of the signatories or concurring parties to this MOA was filed during the Reporting Period.

#### **STIPULATION XIV: Duration**

The MOA is in effect through April 1, 2023.

#### **PART III – PROJECT MILESTONES**

Coordination with the HPATs in the development of plan details to implement mitigation measures was identified in the MOA at a number of project milestones, including:

Preliminary Plans (about 30%),  
Right of Way Plans (about 60%)  
Final Plans (about 90%)

During the Reporting Period, CTS-GEC continued work on the overall Project Management Plan, including a schedule for the likely activities to be included in the Project. This schedule will be developed in more detail once all six of the SDCs are under contract and information will be provided to the HPATs and also disseminated to a much broader audience.

## **ATTACHMENT A**

### **SIGNATORIES:**

Federal Highway Administration

Advisory Council on Historic Preservation

Indiana State Historic Preservation Officer

Kentucky State Historic Preservation Officer

### **INVITED SIGNATORIES:**

Indiana Department of Transportation

Kentucky Transportation Cabinet

### **CONCURRING PARTIES:**

American Indian Movement – Mobile Chapter (MO-AIM)

Butchertown Neighborhood Association

City of Prospect

The Eastern Band of Cherokee Indians

The Shawnee Tribe

The Delaware Nation

## **ATTACHMENT B**

### **SECTION 106 MEMORANDUM OF AGREEMENT OUTLINE OF DOCUMENT CONTENT**

- I. Project Coordination
  - A. Advisory Teams
  - B. Bi-State Historic Consultation Team
  - C. Bi-State Management Team
  - D. Ombudsmen
- II. Project Development
  - A. Project Goals
  - B. Public Involvement
  - C. Context Sensitive Solutions
  - D. Roadway Lighting
  - E. Noise Abatement
  - F. Historic Preservation Plans
  - G. Survey Updates
  - H. Historic Preservation Easements
  - I. National Register Documentation and Nomination
  - J. Streetscape Improvements
  - K. Interpretative Signage
  - L. Blasting and Vibration
  - M. Timing of Construction Activities
  - N. No-Work Zones
  - O. Smart Growth Conference
  - P. Education and Interpretation
- III. Site Specific Mitigation
  - A. Train Depot – Indiana
  - B. Colgate-Palmolive Historic District
  - C. Ohio Falls and Locomotive Historic District
  - D. George Rogers Clark Memorial Bridge
  - E. Old Jeffersonville Historic District
  - F. INAAP Igloo Storage Historic District
  - G. Lentz Cemetery
  - H. Lime Kilns within the Utica Lime Industry Multiple Property Listing
  - I. Swartz Farm Rural Historic District
  - J. Trolley Barn
  - K. Butchertown Historic District
  - L. Phoenix Hill Historic District
  - M. Country Estates Historic District/River Road Corridor
  - N. Drumanard
  - O. Allison-Barrickman House
  - P. Rosewell
  - Q. Belleview
- IV. Archaeological Resources
  - A. Implementation Standards

- B. Identification
- C. Evaluation
- D. Assessment of Effects
- E. Treatment
- F. Qualifications and Reporting
- G. Distribution of Final Reports
- V. Unanticipated Discoveries
- VI. Additional Historic Properties and Effects
- VII. Excess Right of Way
- VIII. Performance Standards
- IX. Progress Reports
- X. Project Modification
- XI. Amendment
- XII. Failure to Comply/Termination
- XIII. Dispute Resolution
- XIV. Duration



**ATTACHMENT C**  
**MOA COMMITMENT TRACKING TABLE**

STIPULATION NO. 1									
Commit. Fulfilled?	Item	GEC Taskmaster	Subconsultant Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
X	A.1	CTS	NR	NR	Convene IHPAT and KHPAT	December 31, 2003 (to convene initial HPATs)	IHPAT - December 16, 2003 KHPAT - December 17, 2003		Two IHATs and four KHPATs were convened during the Reporting Period.
X	A.9.a	CTS	R	NR	Convene HPATs prior to development of scopes of work for the HPPs	None Established		Presentation to HPATs	1) Draft HPP scopes of work presented at the 5/19/04 IHPAT and 5/20/04 KHPAT. 2) Final HPP scopes of work presented at the 7/14/04 IHPAT and 7/15/04 KHPAT.
	A.9.b	NR	NR	NR	Convene HPATs prior to selection of contractors for preparation of HPPs and Treatment Plans	None Established			1) CTS-GEC was selected as the contractor to prepare the HPPs at the 7/14/04 IHPAT and 7/15/04 KHPAT. 2) At the 12/8/05 KHPAT HWL was selected to prepare the Treatment Plan for Rosewell.
X	A.9.c	CTS	NR	All	Convene HPATs prior to development of scopes of work for the section design consultants	None Established		Presentation to HPATs	1) KTA (SDC 1) and HWL (SDC 4) presented a scope overview at 9/14/04 KHPAT. 2) BFS (SDC 3) and IAP (SDC 6) presented a scope overview at 10/27/04 IHPAT. 3) MB (SDC 2) and PB (SDC 5) provided a joint scope overview at the 7/20/05 IHPAT and the 7/21/05 KHPAT.
	B	CTS	NR	NR	Bi-State Historic Consultation Team advises the Bi-State Management Team as to appropriate design and construction approaches; Bi-State Historic Consultation Team convene to consider recommendations provided by the Advisory Teams and prepare recommendations for the Bi-State Management Team; Bi-State Historic Consultation Team gives full consideration to recommendations of Advisory Teams	Project-Wide			Ongoing
	C	CTS	NR	NR	Bi-State Management Team ensures choice of professional consultant; preparation of progress reports; Bi-State Management Team gives full consideration to recommendations of Bi-State Historic Consultation Team	None Established			Ongoing
	D	CTS	NR	NR	Procure services of two ombudsmen (one for Indiana and one for Kentucky)	None Established		To be retained for the duration of the project.	1) KY Ombudsman - Mr. Lee Walker was selected and began work on 11/1/04. 2) IN Ombudsman - List of potential candidates at the Executive Office of INDOT for selection.

**KEY:**

STAs	INDOT - Indiana Department of Transportation	KYTC - Kentucky Transportation Cabinet
GEC	CTS - Community Transportation Solutions	R - Ratio Architects
KY SDCs	Q - QK4	L - HW Lochner
IN SDCs	IAP - Indiana Approach Partners	BFS - Butler, Fairman and Seufert
SDCs 2 & 5	MB - Michael Baker	PB - Parson Brinkerhoff
NR - Not Required		

STIPULATION NO. 2									
Committ. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	A	CTS	R, GP	All	Project goal is to avoid adverse effects				Ongoing
	B	CTS	R, GP	All	Informational meetings convened by respective STAs for public views	None established			Refer to pg. 7 of Progress Report for meetings of the AAT, RAC and Open Houses.
	C	CTS	R, GP	All	Context sensitive solutions considered	None established			
	D	CTS	R, GP	All	Roadway lighting designed and constructed to minimize dispersion of light beyond highway right-of-way and include state-of-the-art techniques and systems	None established			
	E	CTS	R, GP	All	Project design shall minimize adverse noise effects	None established			1) KTA developed Draft Noise Report to evaluate potential noise wall locations. 2) HWL completed Draft Noise Report, which is under review and revision.
	F	CTS	R, GP	NR	HPPs prepared for historic properties and districts	Prior to Preliminary Field Check Plans		HPP	1) Butchertown and Phoenix Hill INR was approved by the BSMT on 8/5/05. 2) Development of the HPPs for Butchertown and Phoenix Hill continued during the Reporting Period. 3) Development of the INR and HPP for Country Estates/River Road Corridor continued during the Reporting Period.
	F-1	CTS	R, GP		Follow provisions for HPPs	None established			
	F-2	CTS	R, GP	NR	Develop HPPs for the identified seven historic properties	Prior to Preliminary Field Check Plans		HPP	See "Remarks/Current Status" under Item F, above.
	G	CTS	R, GP	NR	Update historic preservation documents	Within five years following ROD		Revised Clark County Item Report and Jefferson County Inventory	The scope of work for each survey is under discussion for resolution by the INDOT, KYTC, IN SHPO and KHC (KY SHPO).
	H	CTS	R, GP	BFS, IAP, KTA & HWL	Acquisition of preservation easements	None established			
	I	INDOT	NR	BFS & IAP	Preparation of NRHP documentation and nomination of properties	Within first three years following the ROD			The Indiana SDCs are to begin preparation of the NRHP nomination forms upon issuance of a contract.
	J	CTS	R, GP	All	Obtain right-of-way title holder approval for streetscape improvements	Prior to use			
	K	CTS	R, GP	All	Obtain right-of-way title holder approval for interpretive signage placement; coordinate interpretive signage	Prior to use			
	L-1	CTS	R, GP	All	Ensure construction blasting/vibration plans and bridge pier construction plans are developed	Prior to construction			
	L-3	CTS	R, GP	NR	Determine if damage has occurred	After blasting occurs			
	L-4	CTS	R, GP	NR	Coordinate damage repair	Prior to entry			
	L-5	CTS	R, GP	All	Obtain consent for entry of privately owned property to access monitoring equipment or damage repair	Prior to entry			
	M	CTS	R, GP	All	Develop timing of construction activities provisions	None established			
	N	CTS	R, GP	All	No-work Zone established on construction plans	None established			
	O	CTS	NR	NR	Smart Growth Conference	September 2006			Seven Organizational Committee meetings were convened during the Reporting Period (refer to pgs. 9-10 of Progress Report). The Smart Growth Conference is scheduled for 9/18/06 - 9/20/06.
	P-2	CTS	R, A, GP	NR	Draft Popular Report	None Established			
		CTS	R, A, GP	NR	Final Popular Report	None Established			
	P-3	CTS	R, GP	NR	Trolley Barn Exhibit	None Established			Draft exhibit displayed at the National Trust for Historic Preservation Annual Conference held in September/October 2004. Final exhibit to be placed in Trolley Barn upon its rehabilitation.

KEY:				
STAs	INDOT - Indiana Department of Transportation		KYTC - Kentucky Transportation Cabinet	
GEC	CTS - Community Transportation Solutions		R - Ratio Architects	A - ASC Group GP - Gray and Pape
KY SDCs	Q - QK4		L - HW Lochner	
IN SDCs	IAP - Indiana Approach Partners		BFS - Butler, Fairman and Seufert	
SDCs 2 & 5	MB - Michael Baker		PB - Parson Brinkerhoff	
NR - Not Required				

**STIPULATION NO. 3**

**A - TRAIN DEPOT**

Commit. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	1	CTS	R	BFS	Streetscape improvements				
	2	CTS/INDOT	NR	NR	Acquire Train Depot Building; rehabilitate the property; place a preservation easement on the property and then sell to a preservation organization or donate to a local government.				INDOT is in possession of the Train Depot.
	3	CTS	R	BFS	Implement alternative mitigation measures if unable to acquire the property.				
	4	CTS	NR	BFS	Document and seek NRHP nomination.	September 2006			Within first three years following the ROD
	5	CTS	R	BFS	Develop and place interpretative signage.				

**B - COLGATE - PALMOLIVE HISTORIC DISTRICT**

Commit. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	1	CTS	NR	BFS	Document and seek NRHP nomination	September 2006			Within first three years following the ROD
	2	CTS	R	BFS	Develop and place interpretative signage				

**C - OHIO FALLS CAR AND LOCOMOTIVE COMPANY HISTORIC DISTRICT**

Commit. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	1	CTS	NR	BFS	Document and seek NRHP nomination	September 2006			Within first three years following the ROD
	2	CTS	R	BFS	Develop and place interpretative signage				
	3	CTS	R	BFS	Develop and implement a blasting/vibration plan	Complete prior to initiation of construction			

**D - GEORGE ROGERS CLARK MEMORIAL BRIDGE**

Commit. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	1	CTS	R	BFS	Avoid displacement of the historic bridge pylons on the IN approach to the bridge				
	2	CTS	NR	BFS	If displacement cannot be avoided, develop and implement a Treatment Plan				
	3	CTS	NR	BFS	Relocate pylons in a way to ensure protection of the NRHP designation				

E - OLD JEFFERSONVILLE HISTORIC DISTRICT									
Commit. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	1	CTS	R	NR	Develop a HPP	Prior to Preliminary Field Check Plans			HPP Scope of Work developed
	2	CTS	R	NR	Present HPP to the City of Jeffersonville for potential use as a component of the City's Comprehensive Plan				
	3	CTS	R	BFS	Design and construct streetscape improvements within the HD between Spring Street and the Project				
	4	CTS	R	BFS	Design and construct pedestrian friendly facilities within IN ROW under the new bridge and existing I-65 bridge				
	5	CTS	R	BFS	Minimize spacing between the existing bridge and the proposed downtown bridge consistent with prudent engineering principles				
	6	CTS	R	BFS	Develop and implement highway signage plan that minimizes the number of overhead directional signs on the approaches				
	7	CTS	R	BFS	Relocate five contributing structures that would otherwise be demolished on vacant lots within HD; purchase vacant lots within the HD and put structures on the lots and then sell them; place a preservation easement on the relocated structures; the purchaser of the structures need to occupy them for 5 years and maintain the property in accordance with the preservation standards acceptable to the IN-SHPO	During the Acquisition Phase			
	8	CTS	R	NR	Prepare and implement a marketing plan to market above mentioned building's for relocation by others; if unable to obtain them; plan shall include information on the properties; implement plan for a minimum of 6 months; INDOT shall review all offers with the INSHPO prior to acceptance				
	9	CTS	R	NR	If no acceptable offer, donate property to a local government				
	10	CTS	R	BFS	Design and construct roadway lighting in the viewshed of HD				
	11	CTS	R	BFS	Implement noise abatement measures				
	12	CTS	R	BFS	Timing of construction activities shall be scheduled to limit construction activities which may result in additional impacts to the HD				
	13	CTS	R	BFS	Develop and implement a blasting/vibration plan	Complete prior to initiation of construction			

F - INAAP IGLOO STORAGE HISTORIC DISTRICT									
Commit. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	1	CTS	R	IAP	Develop and implement a blasting/vibration plan	Complete prior to initiation of construction			

G - LENTZ CEMETERY									
Commit. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
		CTS	R	IAP	Develop and implement a blasting/vibration plan	Complete prior to initiation of construction			
	2	CTS	R	IAP	Design the section of roadway adjacent to the cemetery to minimize noise to the property and complement with landscaping within the public ROW				

H - LIME KILNS WITHIN THE UTICA LIME INDUSTRY MULTIPLE PROPERTY LISTING									
Commit. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	1	CTS	R	NR	Develop a HPP to include a Context Study focusing on the lime industry; develop and publish a pamphlet for public distribution presenting the results of the lime industry study	Prior to Preliminary Field Check Plans			HPP Scope of Work developed
	2	CTS	R	NR	Prepare a condition report of the resources which includes photographs	Prior to initiating construction activities within 1,000 feet of the lime kilns			
	3	CTS	R	IAP	Develop and implement a blasting/vibration plan	Complete prior to initiation of construction			
	4	CTS	R	IAP	Delineate a "no-work zone" around the three lime kilns which is to extend 100 feet from the kilns				
	5	CTS	R	NR	Repair any damage caused by the Project to the lime kilns				
	6	CTS	R	NR	Acquire Lime Kiln IE-HC-48004; place a preservation easement on the property and sell it to a preservation organization or donate it to a local government				
	7	CTS	R	IAP	Develop and design an interpretive marker along Utica Pike				
	8	CTS	NR	IAP	Document and seek NRHP nomination	September 2006			Within first three years following the ROD



I - SWARTZ FARM RURAL HISTORIC DISTRICT									
Commit. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	1	CTS	R	NR	Develop thematic context study for agriculture in Clark County, Indiana and surrounding counties				HPP Scope of Work developed
	2	CTS/INDOT	NR	NR	Purchase the portion of Swartz Farm lying on the west side of the Project				
	3	CTS	R	IAP	Develop and implement a blasting/vibration plan	Complete prior to initiation of construction			
	4	CTS	NR	IAP	Document and seek NRHP nomination of the remaining farmstead	September 2006			Within first three years following the ROD
	5	CTS	R	IAP	Delineate a "no-work zone" around remaining Swartz farmstead				
	6	CTS	R	IAP	Place a preservation easement on property and sell to a historic preservation organization or donate to a local government or it can be sold to anyone who would accept the preservation easement				
	7	CTS	NR	IAP	Prepare archival documentation for Central Passage House	Prior to the Central Passage House demolition			
	8	CTS	R	IAP	Develop and implement a landscaping plan				
	9	CTS	R	IAP	Accept by donation and preserve the portion of the James Smith Farm that was determined eligible for the NRHP; develop and implement a plan to stabilize the property; place a preservation easement on property and sell to a historic preservation organization or donate to a local government; prior to sale or donation, fund exterior rehabilitation of the structure; develop HPP; document and see NRHP nomination and listing.				Coordination was undertaken with the property owner regarding the donation of the property on 10/17/05, after which additional information was supplied on 11/4/05 to aid in the decision.

J - TROLLEY BARN									
Commit. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	1	CTS	R, GP	Q	Rehabilitation shall be developed and implemented in consultation with the KY-SHPO				

K - BUTCHERTOWN HISTORIC DISTRICT									
Commit. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	1	CTS	R, GP	Q	Develop a HPP, which shall develop a thematic context to assist with future nominations in the region	Prior to Preliminary Field Check Plans			1) INR approved on 8/5/05. 2) Work continued during the Reporting Period on the development of the HPP.
	2	CTS	R, GP	Q	Develop the Witherspoon Extension as the principal east-west route through the HD and implement measures that encourage north-south traffic through the HD to use Clay Street and Frankfort Avenue				Recommendations on the extension were included as an element of the Immediate Needs Report and the PL & G plans prepared by SDC 1.
	3	CTS	R, GP	Q	Design and construct roadway sections along north side of Butchertown HD using embankments or other designs that support aesthetically pleasing noise abatement measures, lighting and landscaping that maintain the context of the HD				Recommendations on these elements were included as part of the Immediate Needs Report and the PL & G plans prepared by SDC 1.
	4	CTS	R, GP	Q	Edison House - Provide funding for rehabilitation of the exterior of the Edison House and conduct a noise study to determine whether interior noise abatement measures are justified	During development of detailed plans			
	5	CTS	R, GP	Q	Wesley House - Provide funding for rehabilitation of the exterior of the Wesley House and conduct a noise study to determine whether interior noise abatement measures are justified	During development of detailed plans			
	6	CTS	R, GP	Q	St. Joseph's Church - Conduct a noise study for St. Joseph's Church to determine whether interior noise abatement measures are justified for the Church, Day Care Center and School	During development of detailed plans			
	7	CTS	R, GP	Q	Franklin Street Baptist Church - Conduct a noise study for Franklin Street Baptist Church to determine whether interior noise abatement measures are justified	During development of detailed plans			
	8	CTS	R, GP	Q	Marcus Lindsay Methodist Church - Conduct a noise study for Marcus Lindsay Methodist Church to determine whether interior noise abatement measures are justified	During development of detailed plans			Church is presently for sale
	9	CTS	R, GP	Q	Grace Immanuel united Church of Christ - Conduct a noise study for Grace Immanuel United Church of Christ to determine whether interior noise abatement measures are justified	During development of detailed plans			
	10	CTS	R, GP	Q	Grocers Ice and Cold Storage Company - Provide a plan for adaptive reuse the property; if plan cannot be developed, develop documentation of the property and proceed to demolish the structure once the documentation has been accepted				
	11	CTS	R, GP	Q	Mellwood Avenue/Story Avenue Connection - Conduct a study of the Connector in order to evaluate the elimination of this proposed connector and restoration of two-way traffic flow on these two roads	During development of detailed plans			Recommendations on this element was included as part of the Immediate Needs Report. Additionally, preliminary recommendations were included in the PL & G plans prepared by SDC 1.
	12	CTS	R, GP	Q	Design and construct streetscape improvements within the entire HD				Recommendations on streetscape improvements were included as an element of the Immediate Needs Report and the PL & G plans prepared by SDC 1.
	13	CTS	R, GP	Q	Design and construct traffic calming measures on existing streets in HD				
	14	CTS	R, GP	Q	Design and construct roadway lighting within the viewshed of the HD				Recommendations on the extension were included as an element of the Immediate Needs Report and the PL & G plans prepared by SDC 1.
	15	CTS	R, GP	Q	Implement noise abatement measures where the Project is expected to adversely effect the HD				
	16	CTS	R, GP	Q	Develop and implement a blasting/vibration plan	Complete prior to initiation of construction			

L - PHOENIX HILL HISTORIC DISTRICT									
Commit. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	1	CTS	R, GP	Q	Develop a HPP, which shall develop a thematic context to assist with future nominations in the region	Prior to Preliminary Field Check Plans			1) INR approved on 8/5/05. 2) Work continued during the Reporting Period on the development of the HPP.
	2	CTS	R, GP	Q	Design and construct roadway lighting				Recommendations on roadway lighting were included as an element of the Immediate Needs Report and the PL & G plans prepared by SDC 1.
	3	CTS	R, GP	Q	Work with the owner to relocate the Baer Fabrics Company within the HD or a suitable facility within the Phoenix Hill neighborhood				
	4	CTS	R, GP	Q	Develop a treatment plan for rehabilitation of the Vermont American Buildings, explore options for reuse and rehabilitate the exterior of the building if recommended in the treatment plan				
	5	CTS	R, GP	Q	St. John's Church - Conduct a noise study for St. John's Church to determine whether interior noise abatement measures are justified	During development of detailed plans			
	6	CTS	R, GP	Q	Refuge in Kentucky Church - Conduct a noise study for Refuge in Kentucky Church to determine whether interior noise abatement measures are justified for the Church, Day Care Center and School	During development of detailed plans			
	7	CTS	R, GP	Q	Place interpretive signage within the HD				Recommendations on interpretive signage were included as an element of the Immediate Needs Report and the PL & G plans prepared by SDC 1.
	8	CTS	R, GP	Q	Streetscape improvements along Main Street and Market Street from Floyd Street to Clay Street and in the area under the I-65 Bridge				Recommendations on streetscape improvements at specific locations were included as an element of the Immediate Needs Report and the PL & G plans prepared by SDC 1.
	9	CTS	R, GP	Q	Develop and implement a blasting/vibration plan	Complete prior to initiation of construction			

M - COUNTRY ESTATES HISTORIC DISTRICT/RIVER ROAD CORRIDOR									
Commit. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	1	CTS	R, GP	L	Develop a HPP, which shall specifically consider and develop recommendations for the following: Country Estates of River Road HD (including individually listed NRHP properties within the HD), James T. Taylor/James W. Chandler House, Merriwether House, Upper River Road Bridge over Harrods Creek, Harrods Creek Village HD, Schildrecht House, Determan House, Allison-Barrickman House, St. Francis in the Fields Church, Belleview and Rosewell	Prior to Preliminary Field Check Plans			1) Work on development of the INR continued during the Reporting Period. 2) A multi-day planning charrette was held on 11/2/05 - 11/5/05 to assist in development of the INR/HPP.
	2	CTS	R, GP	L	Design and construct proposed roadways, bridges and tunnels from I-71 to the OH River, taking into consideration the cultural landscapes that are important contributing elements to the HD				
	3	CTS	R, GP	L	Design and construct roadway lighting within the viewshed of the HD				
	4	CTS	R, GP	L	Implement noise abatement measures where the Project noise is expected to affect the listed and eligible properties				
	5	CTS	R, GP	L	Develop and implement a blasting/vibration plan	Complete prior to initiation of construction			
	6	CTS	R, GP	L	Define a "no-work zone" within the NRHP boundaries of the listed and eligible properties				

N - DRUMANARD									
Commit. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	1	CTS	R, GP	L					
	2	CTS	R, GP	L	Acquire or establish a historic preservation easement for the entire Drumanard historic property				
	3	CTS	R, GP	L	Acquire property and place a historic preservation easement on property and transfer ownership to KYTC, who will sell the property to a preservation organization or other acceptable party or donate to a local government				
	4	CTS	R, GP	L	>Develop and implement a blasting/vibration plan >Monitor the historic buildings to preclude impacts due to blasting	>Complete prior to initiation of construction >During construction activities			

O - ALLISON-BARRICKMAN HOUSE									
Commit. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	1	CTS	R, GP	L	Acquire a historic preservation easement for the Allison-Barrickman house on the track of land within the NRHP boundary and an easement on the property bounded by US 42, KY 841, the Allison-Barrickman property and Wolf Pen Branch Road				
	2	CTS	R, GP	L	Implement noise abatement measures				
	3	CTS	R, GP	L	Define a "no-work zone" within the NRHP boundary of the property.				
	4	CTS	R, GP	L	Develop and implement a blasting/vibration plan.	Complete prior to initiation of construction			

P - ROSEWELL									
Commit. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	1	CTS	R, GP	L	Develop and implement a Treatment Plan to minimize damage to the property.				
X	2	KYTC	NR	NR	Acquire the property		November 30, 2005		KYTC acquired the property on 11/30/05. KYTC to take possession on 4/1/06.
	3	CTS	R, GP	L	Place a preservation easement on the property and then sell to a local historic preservation organization or other acceptable party or donate to a local government.	Immediately following acquisition			
	4	CTS	R, GP	L	Design and construct roadway lighting.				
	5	CTS	R, GP	L	Implement noise mitigation.				
	6	CTS	R, GP	L	Develop and implement a blasting/vibration plan.	Complete prior to initiation of construction			
	7	CTS	R, GP	L	Define a "no-work zone" within the NRHP boundary of the property.				

Q - BELLEVIEW									
Commit. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	1	CTS	R, GP	L	Design Ohio River Bridge and embankment adjacent to the property taking into account the cultural landscape associated with this property.				
	2	CTS	R, GP	L	Design and construct roadway lighting within the viewshed of Belleview.				
	3	CTS	R, GP	L	Implement noise mitigation measures.				
	4	CTS	R, GP	L	Develop and implement a blasting/vibration plan.	Complete prior to initiation of construction			
	5	CTS	R, GP	L	Define a "no-work zone" within the NRHP boundary of the property.				

KEY:				
STAs	INDOT - Indiana Department of Transportation		KYTC - Kentucky Transportation Cabinet	
GEC	CTS - Community Transportation Solutions	R - Ratio Architects	A - ASC Group	GP - Gray and Pape
KY SDCs	Q - QK4	L - HW Lochner		
IN SDCs	IAP - Indiana Approach Partners	BFS - Butler, Fairman and Seufert		
SDCs 2 & 5	MB - Michael Baker	PB - Parson Brinkerhoff		
NR - Not Required				

STIPULATION NO. 4 ARCHAEOLOGICAL RESOURCES*									
Commit. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	A	CTS/KYTC	A	NR	FHWA to complete identification and evaluation of archeological resources	Before construction in the APE or selecting sites for ancillary activities			(Refer to Page 27 of the MOA) 1) Colston Park geophysical survey completed on 9/6/05 - 9/7/05. 2) Colston Park excavation of three trenches occurred on 10/19/05 - 10/20/05. Results did not reveal grave shaft locations. Report is pending completion. 3) Phase II investigations underway at sites in Section 6. 4) Work plan for Phase I investigations in the Fort Street area (Section 3) under development. 5) Archaeological investigations completed in the vicinity of Jewish Hospital (Section 1). 6) Phase Ia and II investigations underway in the Transylvania Beach area (Section 4).
	B	CTS/KYTC	A	NR	FHWA will examine all locations where ground-disturbing activities are proposed	None established			(Refer to Page 28 and 29 of the MOA)
	C	CTS/KYTC	A	NR	FHWA shall evaluate NRHP eligibility for identified archaeological sites	None established			(Refer to Page 29 of the MOA)
	D	CTS/KYTC	A	NR	FHWA shall assess effects of Project on eligible archaeological resources	None established			(Refer to Page 30 of the MOA)
	E	CTS/KYTC	A	NR	FHWA development and implementation of treatment plans	Completed before construction on sites needing treatment			(Refer to Page 30 and 31 of the MOA)
	F	CTS/KYTC	A	NR	FHWA shall ensure archaeological work is conducted by qualified person(s)	None established			(Refer to Page 33 of the MOA)
	G	CTS/KYTC	A	NR	FHWA shall prepare copies of final reports for SHPO's, STA's Indian Tribes, public libraries and educational institutions	When appropriate			(Refer to Page 33 and 34 of the MOA)

\* - KYTC has procured the services of Cultural Resource Analysts (CRA), a consultant under a statewide contract, to perform archaeological investigations for Sections 1 and 4, as well as within the Ohio River floodplain in Kentucky. ASC Group will perform archaeological investigations in Sections 3 and 6, as well as within the Ohio River floodplain in Indiana.

STIPULATION NO. 5 - UNANTICIPATED DISCOVERIES									
Commit. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	A	CTS	NR	NR	KYTC or INDOT to ensure work stops when unanticipated discovery is made.	None established			Work shall cease until a treatment plan can be developed and implemented.
	B	CTS	NR	NR	FHWA to make all reasonable measures to avoid property until conclusion of consultation with SHPO, Indian Tribes and other appropriate parties.	None established			
	C	CTS	NR	NR	FHWA shall contact SHPO, Indian Tribes and other appropriate parties and provide written details of discovery.	None established			Notify within 48 hours of discovery
	D	CTS	NR	NR	INDOT or KYTC shall conduct an on-site evaluation of discovery to determine eligibility, effects and possible treatment measures.	None established			On-Site evaluation to occur within 48 hours (or earliest available opportunity) of discovery
	E	CTS	NR	NR	Develop appropriate Treatment Plan(s) for discovered historic property.	None established			Review to occur within seven days of receipt of proposed plan.
	F	CTS	NR	NR	Ground-disturbing work may commence at sites determined ineligible for NRHP.	None established			
	G	CTS	NR	NR	Parties shall invoke provisions for dispute resolution should consensus on eligibility not be reached.	None established			



STIPULATION NO. 6 - ADDITIONAL HISTORIC PROPERTIES AND EFFECTS									
Commit. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	A	CTS	NR	NR	INDOT or KYTC shall consult with FHWA, SHPOs, Indiana Tribes and other parties to determine if other properties are historic in addition to those already identified.	Before approval of sites for staging, wetland mitigation, borrow or waste, dredge disposal, or other construction are approved.			
	B	CTS	NR	NR	Where historic properties are adversely effected, FHWA shall consult with INDOT and/or KYTC, SHPO, Indian Tribes and other appropriate parties to mitigate effects.	None established			
	C	CTS	NR	NR	Resolve disputes in accordance with Stipulation XIII.	None established			

STIPULATION NO. 7 - EXCESS RIGHT OF WAY									
Commit. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	N/A	CTS	NR	NR	If Project should result in excess right-of-way to be disposed, the FHWA shall consult appropriate SHPO to determine whether the disposal or sale would have an adverse effect on historic properties.	Throughout Project duration			

STIPULATION NO. 8 - PERFORMANCE STANDARDS									
Commit. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	A	CTS	NR	NR	The FHWA shall ensure all cultural resources work carried out will be under direct supervision of individuals that meet the <i>Secretary of the Interior's Professional Qualification Standards</i> .				(Refer to Page 35 of MOA)
	B	CTS	NR	NR	Historic preservation work shall be guided by most recent Federal and state guidelines.				(Refer to Page 35 and 36 of MOA)

STIPULATION NO. 9 - PROGRESS REPORTS									
Commit. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	A	CTS	NR	NR	Progress reports detailing implementation of the measures stipulated within the MOA and providing advanced notice of milestones.	Every six (6) months until all phases of the project are complete			Report No. 1 - 7/21/04 Report No. 2 - 9/20/04 Report No. 3 - 4/22/05 Report No. 4 - 10/10/05

STIPULATION NO. 10 - PROJECT MODIFICATION									
Commit. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	N/A	CTS	NR	NR	If the Project is significantly modified and additional effects to historic properties are considered the FHWA will consult with the signatories to determine if the MOA should be amended.	Throughout the duration of the Project			

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SDCs 2 & 5	MB - Michael Baker		PB - Parson Brinkerhoff	
NR - Not Required				